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# Financial loss of life: The homo sacer in the Third Reich

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## Abstract

**Purpose** The purpose of this paper is to examine how the Aryanisation program of Nazi Germany created a financial loss of life for Jewish victims. This program led to further losses including political and actual life within the concentration camps and gas chambers.

**Design/methodology/approach** This paper utilises Agamben's (1995, 2002, 2005) concepts of biopolitics, the homo sacer and the state of exception. I examine business histories of the firm The Interessen Gemeinschaft der Deutschen Teerfarbenindustrie (the 'Community of Interest of the German Dyestuff Industry' known hereafter as 'I.G. Farben'), German legislation and other historical documents to construct a close reading of Aryanisation. The financial loss is explored as well as the ramifications for a loss of financial life interpreted through the 'silences' in accounting.

**Findings** My analysis exposes the impact of restrictive financial legislation and the precarious position a loss of financial life engendered in Nazi Germany. Drawing attention to other losses suffered during the Holocaust beyond forced labour and the gas chamber uncovers a hidden layer of loss to the Holocaust victims. Financial loss of life is further conceptualised a necessary precursor for genocidal acts.

**Research limitations/implications** Through use of secondary source materials, this analysis uncovers silences made possible through accounting in the Holocaust. By revealing the interstices between the State, politics, law, citizens, accounting and the 'Other', new knowledge is revealed.

**Practical implications** Practical awareness of the complicit and insidious role accounting had to play in creating (in)visibilities and determining (non)value led to the dehumanisation and quantification of people. By revealing the interstices between politics, law, citizens, accounting and the 'Other'; new knowledge is uncovered.

**Social implications** The paper provides awareness of the complicit and insidious role accounting had to play in creating (in)visibilities and determining (non)values, which led to the dehumanisation and quantification of people. This can lead to life or death implications for the victims.

**Originality/value** This research is one of the few within the accounting literature to empirically address the Aryanisation policy in Nazi Germany. This research also introduces Agamben and his theoretical concepts to the critical accounting literature. It further signals the importance of historical case study analysis to inform 'histories of the present' and to shine a light on modern day practices that promulgate the power of the State and its thanatopolitical imperatives.

## Disciplines

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## Introduction

The Holocaust is a pervasive, enigmatic event that resides deep within the collective human psyche. It represents the culmination of some of the worst acts of inhumanity, occasioning universal condemnation. This study investigates the conditions that enabled State-sanctioned violence within the framework of the (in)visibilities and (non)values assigned by accounting during the period of 'Aryanisation'<sup>1</sup>.

This study argues that accounting is an insidious presence within States and contributes to concealing aspects of political policy that impact on human lives. In making these arguments I adopt a broad view of accounting that is open to all possible accountings (Arrington & Francis 1993; Gray et al 1997; Zhang et al 2012; Broadbent & Laughlin 2013; Lehman et al 2016). The sovereign power to *make die* citizens, derived from its ancient genealogical incarnation, enables the State to make life and death interventions into the private sphere. This intervention impacts individuals who have been categorised as the 'Other' – the Jew.

The Holocaust and the persecution of the Jews has been canvassed by many accomplished authors (see Hilberg 1983; Browning 1993; Goldhagen 1996; Bauman 2001; Wiesel 2006) and also features in the accounting literature (Funnell 1998; Dillard 2003; Lippman & Wilson 2007; Lippman 2009). The works of Funnell (1998), Dillard (2003), Lippman and Wilson (2007) and Lippman (2009) represent important forays into the use of accounting in facilitating the bureaucracy of the Holocaust. They fall short in exposing the complex web of legislation, juridically empty spaces, and overarching political ideology that led to the Holocaust. Instead of approaching research with accounting at the centre of the persecution (Funnell 1998; Dillard 2003; Lippman & Wilson 2007;

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<sup>1</sup> Aryanisation (*Arisierung*) specifically refers to the state enforced transfer of 'Jewish' property to 'Aryan' ownership, but it was also a term used to define 'the whole process of the economic exclusion of the Jews', (Bajohr 2002, p.11). This also included removing Jews from certain professions under legislation to remove their influence from prominent sectors including business, law, medicine and journalism.

Lippman 2009), this study draws out the silent accounts of the victims and survivors of the Holocaust.

This paper utilises Agamben's theoretical lens (1995; 2002; 2005). In applying the concepts of *homo sacer*, the *state of exception* and *biopolitics*, the complex matrix between State, citizen, law, politics and accounting can be teased out. The enigmatic nature of the Holocaust can be partially demystified, and the hidden power of accounting revealed. The facilitation of racist financial legislation through the Aryan businesses resulted in a financial loss of life (*bios*) for the Jewish victims. Financial loss of life is a hidden loss within Holocaust literature, overshadowed by the camp and the gas chamber. The Agambian concepts are applied to a single business case study, in the Aryanisation of Pulverfabrik Skodawerke Wetzler AG (SWW) by the chemical giant I.G. Farben.

This study responds to the calls from Dillard for research 'concerned with the effects of power and privilege as they emanate from exploitative social, political and economic structures' (1991, p. 14); and Broadbent et al (1997) to provide more diverse views about the social reality for those 'on the margins' of accounting. A critical approach was adopted to unmask the impact of political ideology on the social sphere, make 'the less visible more visible' (Lehman et al 2016, p. 68), and reveal the value (and subsequent nonvalue) accounting ascribes to qualitative characteristics. This study has not confined itself to the rigidity of a prescribed method, seeking instead a thoughtful, contemplation of various sources interwoven to develop a case study which highlights the silenced account of the 'Other.'

This study examines the loss of financial life (*bios*) experienced by the Jewish members of the German population. This is done through exploring the policy of Aryanisation, a program designed to eliminate Jews from the German economy, a necessary precursor for the extermination of Jews from Germany. The impact on the 'Other' is accounted for beyond the confines of accounting practice to present the life and death impact a financial policy necessitated on human

lives. This deconstructs the power relations between State and citizen, businesses and citizen and State and business. In examining this, the study seeks to explore 2 key research questions:

1. How did the Aryanisation policy in Nazi Germany force a financial loss of life for its Jewish victims?
2. What 'silences' did accounting perpetuate during Aryanisation?

The case study represents an accumulation of evidence taken to construct a cohesive and theoretically derived account reinstating the invisibilities and nonvalues ascribed by accounting. The precarious and vulnerable position of the Jewish population within the economic sphere is examined in light of Aryanisation policy. By looking beyond the visibilities and values of accounting toward the invisibilities and nonvalues, a voice is given to the marginalised 'Other' (see Hammond & Streeter 1994; Hammond & Sikka 1996; Funnell 1998; Neu 2000; Annisette 2003; Fleischman & Tyson 2004; Fleischman, Oldroyd & Tyson 2004; Preston 2006; Lippman & Wilson 2007; Oldroyd, Fleischman & Tyson 2008; Hammond, et al 2009, 2011; Heier 2010; Haynes 2010; Killian 2010; Duff & Ferguson 2011; Dambrin & Lambert 2012; Lehman et al 2016; Lehman et al 2018). In doing so, the explicit and implicit power relations that infiltrate the social, economic and political spheres are exposed.

This paper contributes to the accounting literature in three ways. First, by examining the silences (Chwastiak & Young 2003) imparted by the (in)visibilities and (non)values ascribed by accounting, the events on the margins of accounting are uncovered. Secondly, by applying the Agambian lens to the case study and research questions new knowledge can be gathered to contribute to a 'history of the present.' Finally, I showcase how financial loss of life is a hidden layer of loss to Holocaust victims and a necessary precursor for genocidal acts. In giving voice to the suppressed, the study presents accounts that have the emancipatory potential to change the discourse around contemporary events wherein people are still being silenced, marginalised and persecuted.

The remainder of the paper is structured as follows. The following section explores the critical accounting literature in examining how accounting creates (in)visibilities and (non)values. In section 3, I introduce the theoretical framing. Section 4 presents the policy of Aryanisation. Section 5 provides the methodology and theoretical framing. Section 6 details the empirical analysis, with concluding comments given in Section 7.

### Accounting (in)visibilities and (non)values

Mainstream/positivist views of accounting posit that accounting is an asocial, ahistorical, neutral practice (Chua 1986; Hopper et al 1995; Gaffikin 2006, 2008) that creates ‘visibilities’ on the financial statements that are deemed to represent reality. What is made visible through accounting’s calculative lens is deemed important with the ‘invisibilities’ rendered unimportant. ‘Invisibilities’ that mask the human element to financial accounts privilege a set of interests while silencing the voice of the ‘Other’ (Funnell 1998; Fleischman & Tyson 2004; Chwastiak 2008; Lehman et al 2016).

Broadbent asserts that by ‘making certain aspects of reality ‘visible’, accounting creates the possibility of controlling these elements. It is this partiality in representation and its control potential which constitutes its real social influence as well as its social danger’ (1995, p. 4). Accounting can confer specific visibilities, calculability and operational utility (Burchell et al 1985, Miller & O’Leary 1987, Miller 1990). In this way, accounting does not reproduce the visible, but *renders visible* (Hopwood 1986; Miller 1990). Thus, accounting cannot reflect reality in its representations as promoted by a positivist approach, as it is enmeshed within the process of reality construction. By transmuting aspects of human experience into quantitative measurements ‘persons, domains, and actions [are presented] as objective and comparable. This, in turn, renders them governable. For the objects and subjects of economic calculation, once standardized through accounting, are accorded a very particular form of visibility’ (Mennicken and Miller 2012, p. 7). In Foucauldian terms, accounting is a tool utilised as a technique of discipline, to render subjects governable. What is made

visible is exposed to control and disciplinary measures. This becomes problematic when human elements are identified numerically.

Accounting practice can be used to obscure the invisibilities created by the quantification of the human experience – namely elements of human pain and suffering. Accounting holds this insidious power to transform the human into the numerical, a power that results in the dehumanisation of people (Funnell 1998). Once people are stripped of their human essence, qualities and individuality it becomes easier to govern and discipline them in line with political or capitalistic aims. Both can aim to suppress human potentiality, maintain the *status quo* or prolong human pain and suffering under the guise of political or economic imperatives. Accounting serves an important role in this process, as by creating visibilities and invisibilities, accounting can mask the human element and maintain the *status quo*. As an instrument of the State, accounting becomes complicit in State ideology and policy, as well as promoting the economic system of the State. Accounting has its own inherent and silent power produced and promoted by mainstream theorists in that it does not create visibilities and invisibilities, but merely reflects the factual reality, despite assertions to the contrary that ‘the underlying information is at least as important, if not more important, than the presentation of that information’ (Lippman 2009, p. 69).

When accounting creates visibilities, it creates a value choice, that by choosing to depict that information it is rendered not only visible but important. Funnell contends that ‘by definition that which is not captured by accounting must be without value’ (1998, p. 452). This feeds into the idea of the invisible ‘Other’, as the degree of their pain and suffering has been deemed unimportant in the scheme of things. By presenting society with this pseudo-objective technology reflecting a constructed reality, ‘accounting contributes to wrong ways of thinking by reducing all problems to economics and thus masking the intrinsic worth of what is being measured’ (Chwastiak and Lehman 2008, p. 316). The collateral to policy can have life or death consequences for individuals, as evident during the Holocaust. ‘Human beings lost their distinctiveness as they were presented as value-free measurements’ (Bauman 2001, p. 103), or rather what was valued at the time was not the intrinsic



value of humans. The non-value ascribed to human experience, individuality and emancipation ensures that these elements are excluded from political and economic considerations. If they were valued, they could severely hinder the goals of capitalism or particularly eliminationist ideology like that of Nazi Germany.

Where humanity conflicts with the overarching goals of those in power, it will always be devalued or removed from the gamut of information demanded from accounting. Accounting represents, reinforces and maintains the views of the powerful to be inflicted upon society as a form of truism, irrefutable and objectively real. Thus accounting is now a representational act to preserve the *status quo*, the tenets of capitalism and political ideology while retaining the myth of objective reality reflection. By translating the values of the political and economic hegemony into the respected objectivity of an accounting representation, the invisibilities remain hidden and that which is non-valued remains unimportant. This paper uses the historical case study of the Holocaust, in particular the Aryanisation period of the Third Reich, to examine the complicity of the pharmaceutical industry as instruments of state policy to remove Jews from the German economy. This led firstly to a financial 'loss' of life, swiftly followed by other losses including personal freedom and human life.

### Agamben, the *homo sacer* and the state of exception

This paper draws on the theory of Giorgio Agamben, with a reversion to Foucault theory as a foundational base. The most important of which is the acceptance of the re-emergence of Foucault's notion of sovereign power.

#### Sovereign Power

In order to utilise the theory of Giorgio Agamben, a reversion to the theory of Michel Foucault is necessary as a foundational base. The most important of which is the acceptance of the re-emergence of Foucault's notion of sovereign power. Foucault designated that an extreme form of

power relations operating as a right to seizure resides in sovereign power, or the right over life and death (Lemke 2011, p. 35; Miller & O'Leary 1987, p.238). Sovereign power is an archaic form of power relations descended from '*patria potestas*' that granted the father of the Roman family the right to dispose of the life of his children and his slaves; just as he had given them life, so he could take it away' (Foucault 1978, p.135). Sovereign power can be distilled into the maxim of '*make die and let live*', which translates into the right to kill. Over time, different power apparatuses evolved and the monarchy became the 'living body of sovereignty' (Foucault 2003, p.26) with the ultimate sovereign power residing in the King. Like the Roman father, the King had the right to dispose of subjects and their right to life belonged to him. After the French Revolution and the rise of democracy, the monarchy became largely displaced and sovereign power became newly vested in 'the State.' However, at the turn of last century there were vast technological and social changes, so much so that sovereign power failed to explain for Foucault many of the mechanisms, effects and relations of power in the 20<sup>th</sup> century.

Foucault posited that in the modern era, *biopolitics* and its positive power over life, was the dominant form of power relations in the 20<sup>th</sup> century. Biopower (*make live and let die*) supplanted sovereign power as the power behind the State apparatus. Biopower for Foucault encompassed political imperatives that focussed on how to endorse, augment and promote the lives of those citizens who were deemed biologically to be the 'superior race.' Agamben, who thinks with, but moves beyond Foucault<sup>2</sup>, theorises that sovereign power was not supplanted but rather transposed by biopower:

...Foucault defines the differences between modern biopower and the sovereign power of the old territorial State through the crossing of two symmetrical formulae. *To make die and to let live* summarises the procedure of old sovereign power, which exerts itself above all as the right to kill: *to make live and to let die* is, instead, the insignia of biopower, which has as its primary objective to transform the care of life and the biological as such into the concern of State power (Agamben 2002, p.155)

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<sup>2</sup> That is, he accepted his view of *biopolitics* but then moved on to show how biopolitical States inevitably become thanatopolitical within a *state of exception* framework.

For Foucault, a political apparatus like the State can call for the death of not only its external enemies but also for its own citizens, through the intervention of racism (2013, p.74). Racism in the modern era became, for Foucault, increasingly directed internally toward the State's own citizens. With this redirection, distinguished from racism generally as *modern racism*, enemies became a power mechanism that not only maintained the State's power, but endorsed the policies of the State such that the State could 'scarcely function without becoming involved with racism at some point...' (Foucault 2003, p.74). Modern racism can be categorised by redirection toward the internal citizen rather than the external enemy, as racism against:

the abnormal, against individuals who, as carriers of a condition, a stigmata, or any defect whatsoever, may more or less randomly transmit to their heirs the unpredictable consequences of the evil, or rather of the non-normal, that they carry within them (Foucault, cited in Taylor 2011, p.748).

Modern racism becomes bound to power techniques and the technology of power (Foucault 2003, p.77) exercised by the State over its own population, as opposed to racism that was exercised on the external *others*. Internal racism allows biological policies to infiltrate the lives of citizens such that the State begins to endorse/promote the wellbeing of one group of its own citizens while not affording the same protection to those on the other side of the *caesura* (Agamben 2002, p. 84). Using the Nazi State as an example, Germany sought to re-establish the Aryan ideal for a unified German State.

Biopower can address some of the discrepancies associated with modern racism and sovereign power. Hence, Foucault sees biopower as the authority for State sanctioned violence upon citizens in the 20<sup>th</sup> century, rather than the historically pervasive sovereign power. This presents a new form of race discourse to be utilised as a weapon by the State, and includes notions of human physiology, survival of the fittest and degeneration (Taylor 2011, p.752) to a citizenry previously unaware of this biological 'threat'. The politics of race become linked to the politics of death (Mbembe 2003, p.17) where the State is empowered to make decisions over the life and death of its

citizens. This new authorising power of the State, as previously mentioned, replaces sovereign power with biopower, in which modern and internal racism is invoked to enable the State to deal with its latest enemy – its own citizens.

### Agamben's *forms of life*

The division of the citizenry is enabled by a disruption in the *forms of life* that traditionally were endowed to all humans through the enactment of modern racism. Agamben follows Aristotelian notions by dividing life into the *zoē* and the *bios* (Agamben 1995, p. 119). The *zoē* is *bare life*, life shared by all organisms, sacrosanct, and due to its bestowal from God, impenetrable by the polis. It can be distilled into the barest aspects of life: birth, death, reproduction and survival. *Bios*, which by definition also encompasses the *zoē*, distinguishes humans from all other animals. *Bios*, or qualified life, refers to political life, the rights enjoyed by humans and the ability to participate politically. The sub-race, determined by State policy, is typically divested of their *bios* leaving them purely with *bare life* – a figure known as the *homo sacer*.

The term *homo sacer* (Latin: 'the sacred man' or 'the accursed man') comes from Ancient Rome, derived from an archaic law 'designating an individual who, in response to a grave trespass, is cast out of the city. From the moment of his ritual pronouncement as a *homo sacer*, he can be killed with impunity by anyone but cannot be employed in sacrificial rituals that require the taking of a life' (de la Durantaye 2009, p. 206). The designated *homo sacer* is thus expelled from the social and legal sphere, where he or she remains partially ungoverned by legislation – 'the only law that still applies to him[her] is the one that irrevocably casts him[her] out of the communal sphere' (de la Durantaye 2009, p. 206). Agamben, known for his controversial work of the paradigmatic method, uses the *homo sacer* as a paradigm for *bare life* (*zoē*).

Looking at Nazi Germany, Agamben outlines that the Jews were exterminated 'as lice, which is to say as *bare life*. The dimension in which the extermination took place is...*biopolitics*' (1995, p. 114). He ultimately concludes that *homo sacer* is representative of a life that means nothing, a life

that anyone can destroy or kill as an 'object of violence that exceeds the sphere of both law and sacrifice' (Agamben 1995, p. 86). Murray concurs, explaining that for the *homo sacer* 'his life is life so patently unworthy of life that death is never death as such' (2006, p. 198), such that if the sovereign decides to remove *bios* through its legal arm with the force of sovereign power in operation, that resulting *bare life* is exposed to a violence and a death which no legal boundaries will restrict.

The definitive characteristic of sovereign power is the ability to decide on the *state of exception*, stemming from a suspension of the juridical order. In this way, Bleeden explains that sovereignty produces *bare life* and that 'all human life, according to Agamben, is thus to some degree *bare life*' (2010, p.78). This is echoed by other authors who claim 'we are all *homo sacer*' (Žižek, 2002, p. 100 and Noys 2002, p.56). Agamben is able to take the *homo sacer* figure, bring it from its remote past and insert it into our political present – with an ominous warning for our possible future (de la Durantaye 2009, p. 211). While the *homo sacer* was utilised for Agamben to make sense of the concentration camps, he also found use for situating the figure *in* the concentration camp, for teasing out the zone of indistinction, determining where *bios* was revoked and extrapolating his concept of the *state of exception*. He has also found use for the figure in modern incarnations of the concentration camp<sup>3</sup>, thus linking the past with the present.

Human rights are often the cloak within which individuals can protect themselves from a violent State. The paradox lies in that the state who can bestow such rights can also revoke them, whereupon some of the worst instances of human rights abuses can be inflicted while conforming to the letter of the law. The concept of human rights, Arendt explains 'broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human' (1951, p.295). She goes on to say that humanity 'found nothing sacred in the abstract nakedness of being human' (1951, p. 295). Uncloaked, humans are reduced to *homo sacer*, and far from being sacred

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<sup>3</sup> Most memorably, Agamben claimed Guantanamo Bay is a contemporary concentration camp, with the inmate's *homo sacers*.

are instead enmeshed within a paradigm that transforms them into something 'tabooed, dangerous...' (Agamben 1995, p. 79), something to be removed from the rest of humanity. *Homo sacer* who do not enjoy political rights or protection, are subjected to the whim of the State in a space devoid of law – the *state of exception*.

### *The state of exception*

The *state of exception* creates a space where committing homicide can be done without legal ramifications. In the *state of exception*, anyone can destroy *homo sacer* and this act will still be outside of usual legal constraints. If a state has interned *homo sacer*, that is to say *bare life*, or *zoē*, into the sovereign sphere then, the state has made a value call. In most modern states this call is made on the basis of racism. Schmitt writes that 'he who determines a value *eo ipso* always fixes a nonvalue. The sense of this determination of a nonvalue is the annihilation of the nonvalue' (1922, p. 80). The value, or nonvalue of life, is determined by the tenets of sovereign power, whose values and nonvalues filter down the chain of symbiosis, including into the process of accounting.

The best way to monitor, contain and control the *homo sacer* is to intern them within a *state of exception*, a separate arena operating on the fringes of the State. The *state of exception* paradoxically provides a space for what would otherwise be an illegal detainment of citizens in a lawful way by claiming a crisis. Agamben defines the *state of exception* as 'the extension of the military authority's wartime powers into the civil sphere, and...a suspension of the constitution (or of those constitutional norms that protect individual liberties)' (2005, p.5). It is 'an ambiguous, uncertain, borderline fringe, at the intersection of the legal and the political' (Fontana 1999, p.16), or in other words a 'legal form of what cannot have legal form' (Agamben 2005, p.1). The *state of exception* becomes activated when a crisis, or emergency occurs that 'threatens the life of the nation' and is historically endorsed by constitutions and international human rights treaties (Humphreys 2006, p. 678). The *state of exception* is a space well known throughout different political ideologies both historically and globally. The *state of exception* is known as

*Ausnahmezustand* (or *Notstand*) in Germany, the *état de siege fictive* (or state of siege) in France, the state of emergency, state of necessity, martial law, or the paradoxical Temporary Centres of Permanence (CPT) dotting Europe in Anglo-Saxon theory (Agamben 2005; Humphreys 2006; Giorgi & Pinkus 2006). Historically, the *state of exception* has been activated in varying instances of emergency including the:

...financial crises in Germany in 1923 and France in 1925, 1935 and 1937, to union strikes and social upheaval in Britain in 1920, earthquakes in Italy in 1908, and, perhaps most strikingly, by Presidents Lincoln – to provide a basis for the abolition of slavery in 1862 – and Roosevelt, to ensure passage of the New Deal in 1933 (Humphreys 2006, pp. 679-680).

The *state of exception* has also been declared in times of terror threats (the United States and *The Patriot Act* (2011)). The constitutions of ‘at least 147 countries...by 1996’ (Humphreys 2006, p. 683) contained provisions allowing for the declaration and operation of the *state of exception*, reaching near worldwide deployment. Agamben argues that this has meant that ‘the normative aspect of law can thus be obliterated and contradicted with impunity by a governmental violence that - while ignoring international law externally and producing a permanent *state of exception* internally - nevertheless still claims to be applying the law’ (2005, pp.86-87). It creates a space devoid of law, of human rights, and the ability to challenge its operation. It creates a space to contain *bare life* and expose it to unfettered State violence while still being a constitutionally protected arena. The State is then poised, by its declaration of a crisis, to define the norm and the point at which the *zoē* and *bios* separate. The result is contradictory, with Agamben concluding that the *state of exception* ‘claims to maintain the law in its very suspension, but produces instead a violence that has shed every relation to law’ (2005, p. 26).

In this study, a *state of exception* was declared upon the burning down of the *Reichstag* (German building housing Parliament) by a communist dissident. In enacting the *Decree of Protection* (1933), Hitler sought to protect the State from a communist threat. This suspension of the

*nomos*<sup>4</sup> (Constitution) metastasised into a space devoid of law wherein other perceived threats – such as the Jew – could form part of the designation of ‘the enemy.’ What remained was the separation of *zoē* and *bios*, enabled through infringing legislation combined with an attack on Jewish financial life. This left the Jews involved reduced to the *homo sacer* and at the whim of the State.

## Aryanisation

For the German state to achieve its ideal of *judenrein* (‘clean of Jews’), the first stage was to remove the Jews from the economic life of ordinary German citizens – to make German business *judenfrei* (‘free of Jews’). It comprised the purge of Jewish ownership as an economic aspect of racial discrimination, thus revoking the financial life of the Jews and beginning the demarcation of Agamben’s *state of exception*. Aryanisation was an effective device for the state to harness control of the economy, by implementing a labyrinth bureaucratic system that ensured Aryanisation became a legally sanctioned state function. This way, the proceeds from Aryanisation could be funnelled to the Reich, providing additional funds to subsidise their twin policies of autarky and armament<sup>5</sup>. In the process of Aryanisation the primary function was *judenfrei*, to remove the Jews from economic participation, from financial means, and to ensure they were entirely at the mercy of the state without financial recourse. A second, less visible function, was to centralise business and industry to the Nazi state and provide a source of revenue for their ambitious territorialisation, autarky and armament plans.

Aryanisation cannot be condensed into one single measure, but ‘rather a multiplicity of measures aimed at the extinction of [Jewish] business life’ (James 2001, p. 211) as demonstrated by

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<sup>4</sup> *Nomos* is used frequently throughout Agamben’s work (1995; 2005). Agamben uses *nomos* to designate the provisional codes of social and political behavior that are the foundation for law. *Nomos*, in other words, refers to the paradoxical union of violence (*Bia*) and justice (*Dikē*) exemplified in the *state of exception* (Agamben 1995, p. 31)

<sup>5</sup> Autarky referred to the policy of economic self-sufficiency and armament to the re-establishment of the military



the progressively inhibiting ordinances and decrees issued by the state. Though it is hardly disputed that 'politics and terror under the National Socialist regime were mixed together in a seamless web' (Bajohr 2002 p. 17), the use of economic measures to curtail the influence of the Jews is an under researched aspect of the Nazi period. With the exception of a few texts<sup>6</sup>, Aryanisation has rarely been treated as a historiographical subject of its own, no doubt because it becomes 'overshadowed by the mass murder of millions' (Bajohr 2002, p. 1). That is not to say that the process of Aryanisation and subsequent loss of economic life was not devastating for the Jews, but it became eclipsed by the horrors that were to follow. James calls the 'focus on the economic side of the persecution quite novel' (2001, p.5). He also makes note of the decision by the Holocaust Memorial Museum in the United States to not microfilm the files of the Reich Economics Ministry, as they did not deem this as sufficiently central to the analysis of the genocide to be worth including (James 2001, p. 5). It has only been in light of the subsequent court cases and reparation/compensation payments by Swiss banks and other complicit corporations that the wider public has entertained the notion that economics and indeed accounting was directly implicated in the persecution of the Jews.

One of the first politically derived measures to control the Jews was the *Reich Flight Tax*, justified on the grounds of helping fund the reparation payments Germany was still making from World War I. After 1933 it was transformed into a compulsory levy against the Jews (Bajohr 2002, p. 121) increasing exponentially, reaching 96% by September 1939. *The Reich Flight Tax* was complemented by the Jewish capital levy in 1938 following *Kristallnacht*, a compulsory contribution at a value of 1 billion RM to be made by the Jewish community to pay for damage inflicted by anti-Semites, as well as a second emigration levy (Bajohr 2002, p. 122). For the wealthier Jews who could afford to emigrate, the combined Reich Flight Tax, capital levy, Jewish property levies, as well as the losses from forced Aryanisations due to emigration, meant 98-99% of their equity was confiscated for the use of the German Reich (Bajohr 2002, p 244). For the others, Agamben explains they were interned in a permanent spatial arrangement, a factual state of danger, the camp as the *state of*

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<sup>6</sup> See Bajohr 2002, James 2001, Hayes 1987; 2004.

*exception* (1995, p.169). The net effect of Aryanisation was to exclude the Jews from the economy, making them the exception to the norm and the inhabitants of the *state of exception*.

After the *Reich Flight Tax*, other legal instruments to control and decimate the financial lives of the Jews were steadily escalating. On 12 June 1933, the '*Law against Betraying the German National Economy*' (requiring notification to authorities of all assets abroad) was implemented followed by the '*Law on Exchange Control*' on the 4<sup>th</sup> February 1935 (requiring a license to acquire foreign currency or to transfer RM) (Bajohr 2002 pp. 154-155). The centrepiece of anti-Jewish legislation is the well-known Nuremberg Laws, so named for the Party Rally held at the location of the same name in September 1935 (*Nürnberg*). This rally introduced '*The Reich Citizenship Act*' and '*Blood Protection Act*', which ensured that Jews and *Mischling* (part-Jews) were stripped of their German citizenship and of all rights (Newton 1990, p. 234). With the enactment of the Nuremberg laws, the Nazi's could turn their attention to the economic situation of the now denaturalised Jews. Legislation sanctioned in 1938 included the '*Ordinance Against Support for the Camouflaging of Jewish Commercial Enterprises*' (which threatened imprisonment for those involved in deliberately masking the Jewish character of an enterprise to deceive the population or authorities) and the *Decree on the Exclusion of Jews from German Economic Life* (to close all Jewish owned businesses) (Bajohr 2002, p. 189). Aryanisation, a largely informal policy until 1938, became legal through this ordinance and ensured the financial, economic and political interests of the German Reich were secured by forcing all Jews (as defined in the Nuremberg laws) to not only register their property but to also have its value assessed, and then deploy the property in accordance with the interests of the German economy (Bajohr 2002, p. 185; James 2001, p. 51). Blocking orders swiftly followed that incapacitated affected Jews by freezing Jewish assets held in banks, savings banks and post offices, confiscating accounts receivable, freezing investments and income as well as confiscating passports (Bajohr 2002, p. 157). In the time period between 1935 and 1938, the 'National Socialist state accelerated its repression of Jewish companies through finance policy mechanisms' (Bajohr 2002, p. 154). The gradual, increasingly persecutory legislation met little resistance from members of the

Aryan citizenry, allowing for the radical acts comprising the Holocaust to follow. The years preceding World War II completely eviscerated the financial viability of the Jews, resulting in a financial loss of life and rendering them particularly vulnerable to the State.

For the remaining properties that survived the 1938 compulsory Aryanisation laws, the rest were seized by the Reich by 1942 under legal pretence through the '*Decree of the Fuhrer and Reich Chancellor on the Utilisation of the Requisitioned Property of Enemies of the Reich*' and the '*Eleventh Ordinance of the Reich Citizen's Law*', which deprived all emigrated Jews of their German citizenship (Bajohr 2002, p. 243). Aryanisation completely changed the structure of economic life in Germany, forming an 'inverted imperialist capitalism' (Schweitzer 1964, p.532) that was devoid of Jewish influence and State centric. James believes that 'the published profit-and-loss accounts do not show the extent of the profit from 'Aryanisation', although there is a notable (if small) spike in 1938, which reflects the additional business of that year' (2001, p.204). The quantitative aspect of Aryanisation not only depicts the loss of economic life experienced by the Jewish people, it also highlights the fact that people were being forced into situations that denied them rights or individuality. Businesses had their profits capped, any excess would be redirected to the State, money laundering clothed in legal garb. Goodwill was virtually non-existent while Jews were written out of the books, a number erased representing a financial life removed. The Aryan Germans on the other hand had received a 'panacea for all their economic ills' (Grunberger 1971, p. 167) and The Nazis were one step closer to a solution for the Jewish question. Accounting became utilised as a technical weapon, operating in the shadows of State policy, but giving visibility to those captured by the financial racism meted out by the legislation. Once the racist legislation that stripped Jews of their citizenship, human rights and financial life was enacted, the stage was set to inflict further losses on the Jewish population including forced labour in concentration camps and mass murder in the gas chamber.

This paper explores the Aryanisation of Jews through a case study to reveal how this process privileged the financial aspect of the event, silencing the financial loss and subsequent violence inflicted onto the victims.

## Methodology

The critical approach for this study examines the loss of financial life (*bios*) experienced by the Jewish members of the German population. This is done through exploring the policy of Aryanisation, a necessary precursor for the extermination of Jews from Germany. The pharmaceutical giant I.G. Farben is investigated to ascertain their cooperation and complicity with what was essentially 'financial racism'. The impact on the 'Other' (the Jew) is accounted for beyond the confines of accounting practice to present the life and death impact a financial policy necessitated on human lives. By tracing the footsteps of those divested of their financial *bios*, the human side of Aryanisation is revealed.

The unstructured method utilised in this study echoes similar studies such as Andrew (1999), Chwastiak (2001, 2008, 2013), Chwastiak & Young (2003), Chwastiak & Lehman (2008) and Lehman et al (2016). This study incorporates a thoughtful approach to the method of 'teasing out' texts to uncover new knowledge and hidden meaning. In disrupting the preconception that all research requires a methodical, rigid approach, this research has involved a close-reading of texts, crucial in teasing out the power and privileges endemic within the exploitative Nazi State. By critically evaluating texts and looking at the concealed power relations, the true nature of accounting is revealed as well as its relationship with the State.

To explore the notions of financial loss through the lens of Agamben, I have utilised a business history by Professor Peter Hayes,<sup>7</sup> who had access to I.G. Farben's closed archives. The case study represents an accumulation of evidence, taken from primary and secondary sources, to

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<sup>7</sup> Peter Hayes is a Professor in German and Historical studies at Northwestern University in the United States. He is the current chair of the Academic Committee of the United States Holocaust Memorial Museum in Washington.

construct a cohesive and theoretically derived account reinstating the invisibilities and nonvalues ascribed by accounting. The case study was chosen for its link between business actions and State imperatives, as well as complicity in progressive removal of the financial *bios* of the Jewish citizens. Reading the data and analysing it through an Agambian lens has contributed to a 'history of the present', as well as uncovering new knowledge.

## Financial 'loss' of life

### The Pharmaceutical Industry in Nazi Germany

I.G. Farben 'truly was a mighty industrial colossus' (Borkin 1978, p.1) and integral to the German state and economy. It was the largest company in Europe and the largest pharmaceutical and chemical company in the world (Coleman 2006). Gustav Stresemann, who was Chancellor and foreign minister during the Weimar Republic even stated that 'without I.G. [Farben] and coal, I can have no foreign policy' (Borkin 1978, p.2). In the policy of autarky and armament:

I.G. Farben's products became ubiquitous and essential. It made not only the synthetic rubber on which most Nazi war vehicles rode and the fuel-from-coal that powered many of them, but also the gas that murdered more than a million people at Auschwitz and even several of the drugs that Dr Theo Morell, Hitler's physician, pumped into the Fuhrer's bloodstream (Hayes 1987, p. xi).

I.G. Farben was forced to confront the rise of the Nazi party and the potential threat this presented to business and profits. As 'neither science nor commerce exist in a vacuum, Farben's mentality had a political side' (Hayes 1987 p.4), as continued increases in profits required economic and political stability. Accordingly, the concern undertook adroit manoeuvres to show their support of the new regime and in 1933 the Nazis received 4.5 million RM from I.G. Farben (Hayes 1987, p.104). By 1945 that figure had reached 40 million RM, which made I.G. Farben 'the largest single contributor to the terror election' (Schweitzer 1964, p.102). At no time did 'the ideology of the Nazi party constitute a barrier that prevented businessmen from arriving at a deal with the party leaders' (Schweitzer 1964, pp. 102-103). I.G. Farben not only participated in 'predatory' Aryanisations, they also operated a

concentration camp at Auschwitz and supplied Zyklon B, the gas used in the death camps to mass murder the Jews. After the war, I.G. Farben was split into different companies by the Allies for their involvement with the Nazi Party. This included BASF (the largest chemical producer in the world with over \$78 billion US in sales) and Bayer (the 10<sup>th</sup> largest chemical producer in the world with over \$28 billion US in sales) (Tullo 2015), still giants in the chemical industry today.

By examining an Aryanisation by I.G. Farben after the policy was made compulsory, the total infringement of the Nazis into the economic life of the Jews resulting in a loss of financial life is evident. The accounting records make visible that which was valued by the company and the Nazis – the equity of the business against the price paid by Aryan businesses. What was made invisible, and non-valued was the impact this policy had on the Jewish owner. This is made visible by this paper in an effort to counter the dehumanising effects of accounting technology and hopes to re-introduce the human element into the economic story of Aryanisation.

#### Pulverfabrik Skodawerke Wetzler AG

Agamben explains that ‘what is captured in the sovereign *ban* is a human victim who may be killed but not sacrificed: *homo sacer*’ (1995, p. 83). Reducing the Jew to *bare life* through the removal of his/her *bios* made the Jew ‘the originary *exception* in which human life is included in the political order in being exposed to an unconditional capacity to be killed’ (Agamben 1995, p. 85). The unconditional capacity to be killed can be extended to the three ‘losses’ experienced by the Jews as part of State sanctioned ‘murder’: the killing of financial life (*bios*), the killing of political life (*bios*) and the killing of the human body (*zoē*). This case demonstrates the indistinction Aryanisation created between the *state of exception* and the civil sphere as the *bare life* in this case illustrates how ‘the sovereign is the point of indistinction between violence and law, the threshold on which violence passes over into law and law passes over into violence’ (Agamben 1995, p. 32). The legislation designed to segregate and create the ‘Other’, was transformed into legislation designed

to allow for lawful violence onto the *homo sacer*, even outside of the camp (reiterating the indistinctiveness of the *state of exception*). The treatment of the individuals who lost their financial *bios* in this case exemplifies the violence inherent within not just the *state of exception*, but in the tenets of sovereign power.

Pulverfabrik Skodawerke Wetzler AG (SWW) was an Austrian chemical company that I.G. Farben had expressed interest in acquiring to strengthen its position in the Austrian market as early as 1927 (Hayes 1987, p.220). At that stage, I.G. Farben determined it was an unnecessary purchase, as it already owned two major Austrian producers through a subsidiary (Dynamit AG of Troisdorf). Still seeking to assert their dominance and portraying the calculated business acuity that had established it as such an 'industry colossus' (Borkin 1978, p.1); I.G. Farben prepared a contractual agreement in 1928-29. The agreement aimed to 'to restrict SWW's encroachment on their own market while stabilising SWW by assigning the chemical factory a fixed share in I.G. Farben's sales to Southeast Europe' (Hayes 1987, p.220).

Just three years later the majority shareholder of SWW, Creditanstalt Bankverein, tried to sell its ownership in SWW. One of the directors, Franz Rottenberg, oversaw the deal. The general director of SWW, Isidor Pollak, sought out I.G. Farben as the potential buyer (Hayes 1987, p.222). This case is unique in that two Jewish owners were dependent on Aryanisation in order for the business to survive. I.G. Farben diplomatically declined, aware of the changing situation in Germany and wanting to pursue negotiations at a later time that would be more advantageous to the concern. In other words, once Germany had taken over control of Austria and imposed similar sanctions on Jewish business. After several years of negotiations and a bidding war with I.G. Farben's main competitor in East Central Europe (the Aussiger Verein of Czechoslovakia), an agreement was reached in 1937 (Hayes 1987, pp.221-222).

The Austrian government, keen to preserve Austrian interests, objected to the agreement and I.G. Farben again deferred negotiations until 'fundamental changes in the economic and political

relations between Germany and Austria' (Hayes 1987, p.222) occurred. Part of being a major contributor to the party, and instrumental in policies such as the Four-Year Plan, meant I.G. Farben had insight into the ambitions of the State. I.G. Farben knew that if it held out long enough, the political conditions would change to allow for a more profitable Aryanisation. A compromise was eventually reached that satisfied only I.G. Farben and the Austrian government, in that Creditanstalt Bankverein would remain majority shareholder but I.G. Farben 'would hold the deciding voice in designated matters of special importance to it' (Hayes 1987, p.223). I.G. Farben would gain control and protect its own commercial interests and SWW would still be in Austrian ownership. At this point German law had not infiltrated Austria but recent developments had made the Jews of Austria uneasy. It was clear that it was only a matter of time before the Nazis annexed Austria and imposed their *state of exception* on the Austrian Jews. Following this, the Jews would become part of the *ban* and completely vulnerable to a loss of financial *bios*.

Shortly after the agreed upon compromise, the *Anschluss* took place and Germany began its annexation of Austria. Austrian government demands now worthless, the annexation 'signalled growth and control potential for I.G. [Farben]...and the Four-Year Plan might fund the modernisation of the SWW plant' (Hayes 1987, p.223). Only 10 days after annexation I.G. Farben enacted its defensive strategy to purchase the majority shareholdings from Creditanstalt Bankverein before the Nazi State could attempt any encroachment on I.G. Farben industry (Hayes 1987, p.223). The deal was approved by Pollak, who found himself in an exposed position, weakened by the removal of the Austrian government's protectionism and his Jewishness. I.G. Farben became majority owner of SWW, paying 150% of the book value, around 7.5 million marks (Hayes 1987, pp. 227-228). This was in spite of the efforts of the German State, including a Reich lieutenant order (*Reichsstatthalter*) 'against the founding of new plants or enterprises in Austria by German firms' (Hayes 1987, p.224). The Foreign Organisation (*Auslandsorganisation*) also criticised the move, claiming I.G. Farben was too slow in Aryanising its Austrian subsidiaries and allowing 'excessive monetary generosity to dismissed Jews' (Hayes 1987, p.224) including Rottenberg and Pollak. This claim should not be



equated with similar claims in earlier Aryanisations by Degussa and the Deutsche Bank. Despite I.G. Farben being accused of having a 'soft policy in dealing with Jews in general' (Feldman 2015, p.73), it would seem that this was more because I.G. [Farben]'s interests conflated with SWW's. The State at this point was becoming more suspicious of industry, particularly companies as large as I.G. Farben, which was able to assert real resistance if it had chosen to do so. The State was looking to centralise business within State control and the bigger I.G. Farben became the harder it would be for the State to be the authority. I.G. Farben sought to increase its market share in line with its business goals toward increasing shareholder profits and extending its domination across Europe by Aryanising any competition. While the State and 'the I.G. [Farben] leadership was probably sincere in thinking that it had paid too much for SWW...its primary motive had been protection against competition in Austria and government intervention' (Feldman 2015, p.75). Thus, the desire to monopolise the chemical industry superseded any intention on I.G. Farben's part to protect the financial *bios* of the SWW representatives Rottenberg and Pollak.

The *Anschluss*, coupled with *Reich Flight Tax* (1931) (set at a 90% tax rate), the *Law against Betraying the German National Economy* (1933), the *Denaturalisation Law* (1933), *The Reich Citizenship Act* (1935), the *Blood Protection Act* (1935) ('Nuremberg laws'), the *Executive Order on the Reich Tax Law* (1936), the *Decree Against the Camouflage of Jewish Firms* (1938), the *Order for the Disclosure of Jewish Assets* (1938), and the *Jewish Capital Levy* (1938) meant the situation for SWW's Pollak and Creditanstalt Bankverein's Rottenberg was grim. Despite receiving what the State and I.G. Farben termed 'generous' compensation, the intent of the State to exclude the Jews from not just the German economy but now the Austrian economy also, (*make die*) was not to be overcome. After the *Anschluss*, Rottenberg was removed from Creditanstalt Bankverein, 'arrested, mistreated, but then released' (Feldman 2015, p.71), the first direct foray from Aryanisation to violence for 'the bearer of the link between violence and law' (Agamben 1995, p. 62). Pollak, who was initially arrested and then freed, faced a Gestapo home invasion after the agreement with I.G. Farben. During this invasion, he was 'trampled on in front of his sister, suffered a stroke or heart

attack, and died before reaching hospital. The Gestapo men involved complained about ruining their heels' (Feldman 2015, p.71). This incident is indicative of the state sanctioned violence that was to follow, inevitable as 'the sovereign is the point of indistinction between violence and law, the threshold on which violence passes over into law and law passes over into violence' (Agamben 1995, p.32). It also exemplifies the notion that a financial loss of life is an essential first step in the dehumanisation, persecution and genocide of people. In accordance with Dean, 'seizure of property acts as an important catalyst in accelerating the downward spiral across the threshold to genocide' (2008, p. 15).

### Concluding comments

The case study presented has demonstrated how the Aryanisation policy of the Nazi State led to the loss of financial life (*bios*) for the Jews, leaving them vulnerable and at the whim of the State. I have also demonstrated the inadequacies of the information accounting provided, reinforcing the critical approach to accounting that understands its power to make invisible and ascribe a nonvalue. By examining the case study by decentralising the accounting story, I have endeavoured to highlight the lived human experience in giving a voice to the 'Other'. I have explored those invisibilities and nonvalues promulgated by accounting to give a richer depiction of what happened to those who found themselves ensconced within the sovereign *ban*.

The case of Pollack and Rottenberg links sovereign violence with sovereign power. The consequences of the sovereign *ban* are, for the first time, explicit and the thanatopolitical face of the regime is made public. Through the *ban*, Pollack and Rottenberg were 'abandoned by [the law], that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable' (Agamben 1995, p. 28). The union of the *Bia* and *Dikē* is revealed as the principle of sovereignty, and the production of *bare life* the original activity of the sovereign (Agamben 1995, p. 85). The degradation into *homo sacer* leaves open infinite possibilities for violence to be

committed as part of the *nomos*, and the boundary between the *state of exception* and the civil sphere becomes so indistinct as to render the two indiscernible as the *exception* becomes the rule.

This study has outlined the ways in which business decisions, fostered by thanatopolitical ideology, underpinned by racism, have real consequences for the life and death of citizens. In doing so, it has contributed to the critical accounting literature in several ways. First, the silences engendered through accounting practice have been made visible and given value by giving voice to the marginalised 'Other' – in this case Rottenberg and Pollack. Secondly, the application of Agambian concepts has enriched our knowledge of the Holocaust and contributed to a history of the present. Finally, the application of a financial loss of life as a hidden layer of loss beyond the traditional *bios* and *zoē* is revealed. It has established the necessity in genocides of firstly removing any financial means (*bios*), so as to leave those without financial *bios* at the whim of the State and without legal recourse. This enables them to be placed into a State derived *state of exception*, as a means to remove them from the State as a citizen. By 'killing' their financial *bios*, other aspects of life are open to extermination. This transforms an eliminationist agenda to an exterminationist ideology, creating a space devoid of law so as to sanction the killings as part of normal State activity.

This paper has transformed the silences perpetuated by the choices of accounting to make visible and give value to the human experience. This approach has re-situated the individuals as 'major characters in their own accounts, [instead] of minor characters in the accounts of others' (Arrington & Francis 1993, p. 122). It has deconstructed the power relations and hidden matrix between State, business and citizen. The insidious use of power perpetuated by the myth of accounting objectivity and legitimate use of power by the State is revealed, disrupting the mainstream/positivist views of accounting and the State. I have shown a 'history of the present', to bring new knowledge by interpreting the silences and giving a voice to the marginalised 'Other.'

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